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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,822	09/05/2003	Alton W. Hezeltine	884.413US3	7149

7590

01/26/2005

Schwegman, Lundberg, Woessner & Kluth, P.A.  
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Minneapolis, MN 55402

EXAMINER

CHUKWURAH, NATHANIEL C

ART UNIT	PAPER NUMBER
3721	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/655,822

**Applicant(s)**

HEZELTINE, ALTON W.

**Examiner**

Nathaniel C. Chukwurah

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-6 and 9-11 is/are rejected.
- 7) ☒ Claim(s) 2,3,7,8,12 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-6 and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Hood (US 5,352,230).

With regard to claim 1, Hood discloses a tool control system comprising: a pneumatic source (178, compressed gas tank), a vacuum source (180), a control mechanism (12) coupled to the pneumatic source, to a vacuum source, to a supply hose (86); a pilot hose (90); and the supply hose and pilot hose are coupled to the tool (14).

Hood's control mechanism (12) provides vacuum to the supply hose (86) when air pressure within the pilot hose has greater than a predetermined pressure and further the control mechanism (12) provides air pressure to the supply hose (86) when air pressure within the pilot hose has less than a predetermined pressure (col. 14, lines 42-47).

With regard to claim 4, shows a system (10) comprising: an source (178), a vacuum source (180), a control mechanism (12) coupled to the air source and to the vacuum source; the air source and the vacuum source are coupled to a tool (14) comprising: a first and second actuation elements (36, 122). Hood's control mechanism (12) provides vacuum and pressure to the tool when one or both actuation elements are actuated (col. 14, lines 36-59).

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With regard to claim 5, Hood shows a supply hose (86) selectively coupleable to the air source or vacuum source; a pilot hose (90) coupled to the first and second actuation elements (36, 122); and both supply and pilot hoses are coupled to the tool (14).

With regard to claim 6, Hood shows control mechanism (12) provides vacuum to the supply hose (86) when air pressure within the pilot hose has greater than a predetermined pressure and further the control mechanism (12) provides air pressure to the supply hose (86) when air pressure within the pilot hose has less than a predetermined pressure (col. 14, lines 42-47).

With regard to claim 9, shows a system (10) comprising: an source (178), a vacuum source (180), a control mechanism (12) coupled to the air source and to the vacuum source; and the control mechanism is coupled to a tool (14) comprising: a first and second actuation elements (36, 122); a pilot hose (90) coupled to the control mechanism (12) wherein air within the pilot hose has less than a predetermined pressure when one actuation element (36) is actuated and wherein air within the pilot hose has greater than a predetermined pressure when both actuation elements (36, 122) are actuated (col. 14, lines 36-59).

With regard to claim 10, Hood shows a supply hose selectively coupleable to air or vacuum source (fig. 1); and supply (86) and pilot (96) hoses are coupled to the tool.

With regard to claim 11, Hood shows a control mechanism providing vacuum to the supply hose (86) when air pressure within the pilot hose has greater than a predetermined pressure and further providing air pressure to the supply hose (86) when air pressure within the pilot hose has less than a predetermined pressure (col. 14, lines 42-47).

***Allowable Subject Matter***

Claims 2, 3, 7-8, 12 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Refer to attachment for notice of references cited and recommended for consideration based on their disclosure of limitations of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathaniel C. Chukwurah whose telephone number is (571) 272-4457. The examiner can normally be reached on M-F 6:00AM-2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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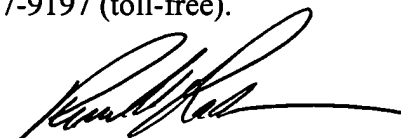
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NC

  
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